

**U.S. Department of the Interior
Bureau of Land Management**

**Environmental Assessment
DOI-BLM-ID-B030-2015-0008-EA**

Idaho Department of Fish and Game Stone Marker

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U.S. Department of the Interior
Bureau of Land Management
Owyhee Field Office
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1.0 Introduction

On January 5, 1981, William Pogue and Conley Elms, Idaho Department of Fish and Game Conservation Officers, were killed in the line of duty on the banks of the South Fork of the Owyhee River at Bull Camp. This event serves as an important reminder to Idaho Department of Fish and Game (IDFG) and all law enforcement officers of the dangers present as they serve the public, protect the wildlife and natural resources, and enforce the law on our public land. IDFG has requested authorization to place a stone marker to memorialize the deaths and end of watch of these officers.

1.1 Need for and Purpose of Action

The BLM is responding to a proposal from the IDFG to transport and placement of a stone marker at the site and, in doing so, how to minimize effects to wilderness character and Wild river values.

1.2 Location and Setting

South Fork of the Owyhee River (west side) across from Bull Camp, Owyhee County, Idaho, approximately 2.75 miles from the Nevada border; T16S, R04W, S13.

Bull Camp and this segment of the river are within the Owyhee River Wilderness Area and Wild & Scenic River as designated March 2009. This segment of river is designated as Wild.

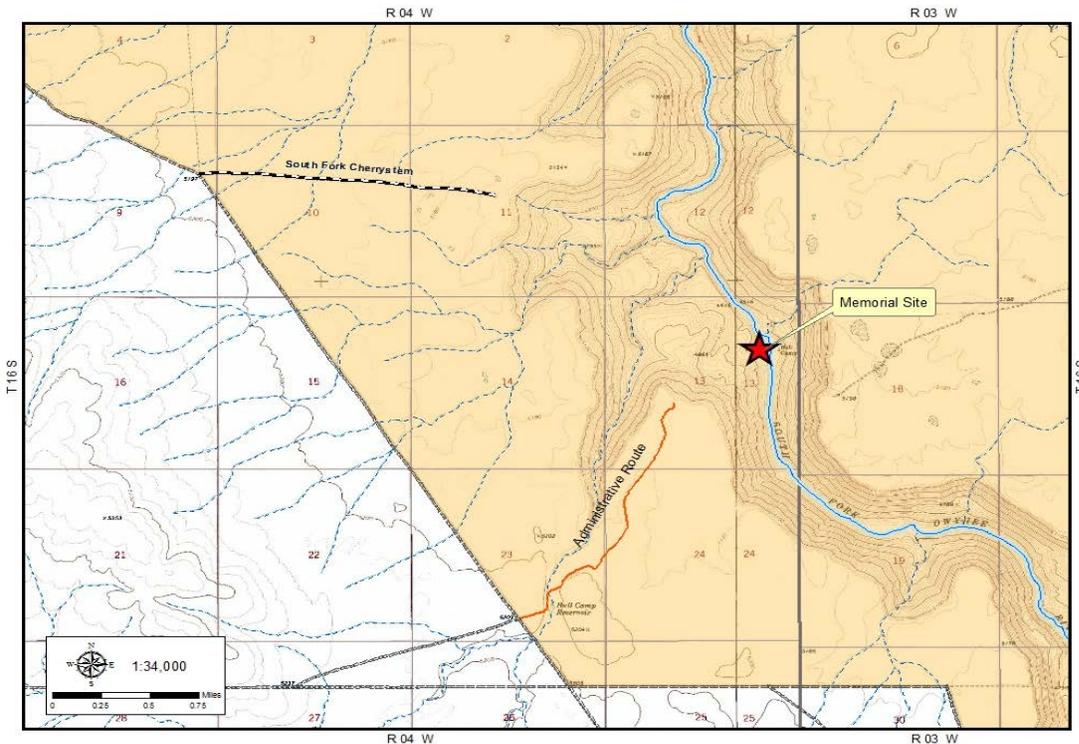


Figure 1: Map of the project area including the administrative route and proposed marker location.

1.3 Conformance with Applicable Land Use Plan

- Owyhee Canyonlands Wilderness and Wild & Scenic River Management Plan, 2015
- Owyhee Resource Management Plan, 1999

1.4 Relationship to Statutes, Regulations, and Other Requirements

- Bureau of Land Management Manual 6340 “Management of Designated Wilderness” and
- Bureau of Land Management Manual 6400 “Wild and Scenic Rivers – Policy and Program Direction for Identification, Evaluation, Planning, and Management”

1.5 Scoping and Development of Issues

Scoping for this project consisted of internal BLM discussions, tribal consultation, and discussion with interested public. Concerns related to precedence and effects to wilderness character were expressed as follows:

- What precedence does this set for other actions in the wilderness areas?
 - Each proposal will be considered on its own merits and would not rely on this analysis or decision. Therefore, authorization of this proposal is not precedence setting and no further discussion or analysis is warranted.
- How would the transportation and placement of a stone marker effect wilderness character at Bull Camp?
 - The effects to wilderness character are discussed in Section 3.0.

2.0 Description of the Alternatives

2.1 Alternatives Considered but not analyzed

In a letter dated April 9, 2015 IDFG officially requested placement of the stone marker at the site of the killings. The site lies on a bench beside the South Fork Owyhee River, which is located within the Owyhee River Wilderness, as well as within the South Fork Owyhee Wild & Scenic River corridor. The IDFG propose to transfer to the site of the killings an approximate 2' x 2' x 3' stone engraved with the officers' names and date of their death. The stone, which weighs approximately 550 pounds, would be transported to the canyon rim along an existing 1.5-mile long administrative route via a pickup truck. From there, 14 IDFG conservation staff officers would carry the stone down into the canyon along an existing trail. IDFG has constructed an aluminum and canvas litter to carry the stone. In addition to the stone marker, the request includes a “small ground level concrete slab 10 inches by 30 inches” with an engraved plaque.

BLM completed a Minimum Requirements Analysis (MRA) to minimize effects to wilderness character. This analysis identified the proposed concrete pad and engraved plaque as more than is necessary to memorialize the event and deaths of Mr. Pogue and Mr. Elms. Therefore, BLM will not consider these elements of the full proposal further. The other elements of the proposal are carried forward in Alternative 2.

2.2 Description of Proposed Action and Alternatives

2.2.1 Alternative 1 - No Action

BLM would not authorize installation of the stone marker.

2.2.2 Alternative 2 – Placement of a Stone Marker at Site

BLM would authorize motorized use on an administrative route in the Owyhee River Wilderness to the edge of the canyon. The IDFG would transfer an approximately 2' x 2' x 3' stone, engraved with the officers' names and date of their death, to the site of the killings. The stone, which weighs approximately 550 pounds, would be transported to the canyon rim along an existing 1.5-mile long administrative route via a pickup truck. From there, 14 IDFG conservation staff officers would carry the stone down into the canyon along an existing trail. IDFG has constructed an aluminum and canvas litter to carry the stone.

A full-size pickup truck would be used to transport the stone marker to a staging area/vantage point on the canyon rim.

Numerous IDFG conservation officers, the IDFG Director, family and friends of the slain officers, and other IDFG personnel would be present to view the placement of the stone marker. Most of these individuals would walk the approximately 1.5 miles of road to the vantage point on the canyon rim to watch the stone marker placement below. Those few unable to walk (e.g., William Pogue's brother who is elderly) would be transported to the vantage point in an UTV which would only travel into the canyon rim and out twice. A separate pickup truck would carry the stone marker to the canyon rim (one round trip). No other vehicles would cross the Owyhee River Wilderness boundary; all other vehicles would park outside the Wilderness within the existing road prism of the two-track road, which is open for public use, per all applicable land use plans.

Individuals attending the event, other than those who might ride in the pickup transporting the stone marker, would park along the wilderness boundary road and walk along the approximate 1.5-mile route to the canyon rim. Individuals with the capability to traverse the canyon trail would then have the option of continuing down to the stone marker site.

The stone marker would be placed as to not catch the eye of the casual observer or visitor to the area. The stone would be placed on the ground surface, no digging or cementing would occur. IDFG would remove a rudimentary marker that is currently in place. The stone would replace a pre-existing steel T-post that was placed in the area previously.

Entire event and implementation would occur over one day.

2.2.3 Alternative 3 – Placement of a Stone Marker without Motorized Use

BLM would not authorize motorized access within the wilderness area. BLM would authorize the placement of the stone marker. However, IDFG personnel and other visitors would be required to carry the stone marker from a staging area outside the wilderness boundary. Placement of the stone marker would be authorized as described in Alternative 2.

2.2.4. Alternative 4 – Installation of a Stone Marker in the Owyhee River

The State has asserted an interest in the bed and banks of the Owyhee River. This alternative would acknowledge that claim and allow the installation of the marker in the river.

3.0 Affected Environment and Environmental Consequences

3.1 Wilderness Character and Wild River Values

3.1.1 Affected Environment

The site of the killing and the proposed memorial is within the Owyhee River Wilderness Area (267,328 acres) and within the corridor of the Wild segment (30.6 miles) of South Fork Owyhee River. The general area, its intact character and values for which it was designated are discussed in the recent Owyhee Canyonlands Wilderness and Wild & Scenic River Management Plan, Sections 1.3.2.5 and 1.4.2 (USDOI-BLM, 2015). The specific site is relatively untrammeled, primitive, and covered with low shrubs and grasses. The area and site is visible from the canyon rim and specifically from within a walkable distance of the South Fork Cherrystem endpoint. There is currently a rudimentary marker (metal fence post) at the site. This stands approximately four feet high. There is an undeveloped campsite, usually used by recreational river users, in the vicinity. The affected area would consist of a 1,000-square foot area within which the stone marker would be visible.

The 1.5-mile route from the wilderness boundary to the canyon rim is a two-track administrative use route. It has closed to public use since 2009. Tracks remain and are likely to do so without active rehabilitation.

3.1.2 Environmental Consequences

3.1.2.1 Alternative 1

The BLM would not authorize placement of the marker near Bull Camp along the South Fork of the Owyhee River.

3.1.2.2 Alternative 2

Solitude would be affected as a result of vehicular travel, during installation, in the wilderness area.

In addition to the effects to Solitude, Naturalness and the Undeveloped Nature of the wilderness would be affected. Placement of the geologically dissimilar stone marker on the bench above the river would create a visible installation containing 6 square feet. This would be visible from the canyon rim (East and West side) including within walking distance from the South Fork Cherrystem. This affected area would consist of 1,000 square feet from which the stone would be visible. However, casual visitors (those not specifically looking for the marker) to the site would likely only be able to see the stone marker from 15-20 feet as the shrubs and grasses in the area provide sufficient screening. Within five years, the stone would weather sufficient to assimilate with its surroundings.

3.1.2.3 Alternative 3

No effects to solitude would occur, aside from that of foot traffic along the administrative route and trail to the site for placement. These effects would only be evident until the next precipitation event. Effects to wilderness character and Wild river values would be as described in Alternative 2.

3.1.2.4 Alternative 4

Placement of the stone marker within the high water mark of the river would create a visible installation along a Wild segment of the river. Although it would neither impact its free flowing nature, nor the Outstanding Remarkable Values for which it was designated (scenery, recreation, geology, fish, wildlife, and cultural), these visual impacts would remain until the stone weathered to the point of assimilation into its surroundings. This time period would depend on frequency and duration of high flows along the South Fork Owyhee River. Flows high enough and of sufficient duration to weather such a stone only occur every 10 to 15 years (person observation from BLM personnel). Riparian vegetation may be sufficient to screen the installation from casual visitors.

3.2 Cumulative Impacts

3.2.1.1 Scope of Analysis

The spatial scope for this analysis is the 1,000 square feet from which the stone marker would be visible and the 1.5-mile route used to transport the stone to the canyon rim. The longest temporal scope necessary for analysis is five years as this is the extent to which the stone marker is expected to be evident and readily observable.

3.2.1.2 Current Conditions

Current conditions of the site are as described in the Owyhee Canyonlands Wilderness and Wild & Scenic River Plan (USDOI-BLM, 2015) and Section 3.1.1 of this EA.

3.2.1.3 Environmental Consequences – Cumulative Impacts

The only past, present, and reasonably foreseeable future actions that occur on the site are recreational campers that have either hiked or rafted into the area. The effects from these activities are immeasurable as wilderness users typically utilize leave-no-trace principles in their recreation and past users of this area have been minimal. No other activities are expected to occur on the 1.5-mile route to the canyon rim. Therefore, there would be no cumulative effects, in addition to the direct and indirect effects of this action, to analyze.

4.0 Consultation and Coordination

4.1 List of Preparers

- Seth Flanigan – Boise District NEPA Specialist
- John Sullivan – Boise District Wilderness Program Lead

4.2 List of Agencies, Organizations, and Individuals Consulted

- Idaho Department of Fish and Game

- Shoshone-Paiute Tribes of Duck Valley
 - Consultation with the Shoshone-Paiute Tribes was initiated on April 30, 2015.
- State Historical Preservation Office
 - The BLM Archeologist completed a site inventory and assessment. This activity was deemed as exempt from analysis there would be no effect.

Cultural Resource Laws and Executive Orders

BLM is required to consult with Native American tribes to “help assure (1) that federally recognized tribal governments and Native American individuals, whose traditional uses of public land might be affected by a proposed action, will have sufficient opportunity to contribute to the decision, and (2) that the decision maker will give tribal concerns proper consideration” (U.S. Department of the Interior, BLM Manual Handbook H-8120-1). Tribal coordination and consultation responsibilities are implemented under laws and executive orders that are specific to cultural resources which are referred to as “cultural resource authorities,” and under regulations that are not specific which are termed “general authorities.” Cultural resource authorities include: the National Historic Preservation Act of 1966, as amended (NHPA); the Archaeological Resources Protection Act of 1979 (ARPA); and the Native American Graves Protection and Repatriation Act of 1990, as amended (NAGPRA). General authorities include: the American Indian Religious Freedom Act of 1979 (AIRFA); the National Environmental Policy Act of 1969 (NEPA); the Federal Land Policy and Management Act of 1976 (FLPMA); and Executive Order 13007-Indian Sacred Sites. The proposed action is in compliance with the aforementioned authorities.

Southwest Idaho is the homeland of two culturally and linguistically related tribes: the Northern Shoshone and the Northern Paiute. In the latter half of the 19th century, a reservation was established at Duck Valley on the Nevada/Idaho border west of the Bruneau River. The Shoshone-Paiute Tribes residing on the Duck Valley Reservation today actively practice their culture and retain aboriginal rights and/or interests in this area. The Shoshone-Paiute Tribes assert aboriginal rights to their traditional homelands as their treaties with the United States, the Boise Valley Treaty of 1864 and the Bruneau Valley Treaty of 1866, which would have extinguished aboriginal title to the lands now federally administered, were never ratified.

Other tribes that have ties to southwest Idaho include the Bannock Tribe and the Nez Perce Tribe. Southeast Idaho is the homeland of the Northern Shoshone Tribe and the Bannock Tribe. In 1867 a reservation was established at Fort Hall in southeastern Idaho. The Fort Bridger Treaty of 1868 applies to BLM’s relationship with the Shoshone-Bannock Tribes. The northern part of the BLM’s Boise District was also inhabited by the Nez Perce Tribe. The Nez Perce signed treaties in 1855, 1863 and 1868. BLM considers off-reservation treaty-reserved fishing, hunting, gathering, and similar rights of access and resource use on the public lands it administers for all tribes that may be affected by a proposed action.

4.3 Public Participation

Informal conversations and discussions were held between with John Robison of Idaho Conservation League and Michelle Ryerson, Acting Owyhee Field Manager.

5.0 Literature Cited

USDOI-BLM. 2015. Owyhee Canyonlands Wilderness and Wild & Scenic River Management Plan and Environmental Assessment.